

Water Quality Standards Advisory Committee

MEETING MINUTES

Thursday, April 12, 2012 1:30 pm – 3:30 pm

Department of Environmental Services

Rooms 112/113/114

29 Hazen Drive, Concord, NH

WQSAC Members Present

Name	Representing	Present	Alternate Present
Dan Blais	Home Builders and Remodelers' Association of NH	Y	
Steve Clifton	Consulting Engineers of NH		
Sam Demeritt	NH Wildlife Federation	Y	
Steve Densberger	Water Council		
Diane Hanley	NH Association of Conservation Commissions and Lakes Management Advisory Committee		
Donna Hanscom	NH Water Pollution Control Association	Y	
John Hodsdon	NH Farm Bureau Federation	Y	
Melissa Hoffer	Conservation Law Foundation		
Kenneth Kimball	Appalachian Mountain Club		
Michael Licata	Business and Industry Association		
John Magee	NH Fish & Game Department	Y	
William McDowell	University of New Hampshire		
Mike Metcalf	NH Water Works Association	Y	
Eileen Miller	NH Association of Conservation Districts	Y	
Joanne Morin	Office of Energy and Planning		
Larry Morse	NH Association of Natural Resource Scientists	Y	
Allan Palmer	Rivers Management Advisory Committee	Y	
Kenneth Rhodes	Associated General Contractors of NH	Y	
Ron Rhodes	Connecticut River Watershed Council	Y	
Peter Rice	NH Municipal Association		
William Schroeder	NH Lakes Association (Chairman)	Y	
Jasen Stock	NH Timberland Owners Association		
Ken Toppin	US Geological Survey		
Michele Tremblay	NH Rivers Council		
John Warner	US Fish & Wildlife Service		
Ellen Weitzler	EPA Region I	Y	

Additional Meeting Attendees

Mark Hutchins (Normandeau Assoc.)
Jason Smith (NHF&G)
Bill Arcieri (VHB)
Ted Diers (DES)
Philip Trowbridge (DES)
Shane Csiki (DES-NHGS)

Ken Edwardson (DES)
Gregg Comstock (DES)
Sandy Crystall (DES)
Ted Walsh (DES)
Dave Neils (DES)
Andy Chapman (DES)

1) Introductions

The meeting began with a round of introductions.

2) Approval of the 1/12/2012 meeting minutes

The Chair asked for an approval of the minutes of the 1/12/12 meeting. A typographic error on page 3 of the minutes was noted. A motion to approve the minutes as amended was made by Sam Demeritt, seconded by Larry Morse, and approved without opposition.

3) Update from Subcommittee on Wetland Water Quality Standards

Sandy Crystall gave an update on subcommittee work on wetland water quality standards (WWQS). Major points:

- DES is launching an effort to compile GIS data on wetland boundaries in towns where the wetlands have been mapped in more detail than the National Wetland Inventory. DES requested that any data of this type be sent to Sandy Crystall (Sandra.Crystall@des.nh.gov) or Ken Edwardson (Kenneth.Edwardson@des.nh.gov).
- The Subcommittee has started working from the list of designated uses developed by the WQSAC subcommittee in 2011. For wetlands, the initial focus will most likely be the Aquatic Life Integrity designated use because this use can reflect a broad range of bioindicators for wetland condition and it is more familiar given the work done in other aquatic bioassessment programs. The Recreation designated use and Wildlife designated use may be addressed later. The next step will be to develop indicators for this designated use.
- A number of other states have developed indicators of wetland condition but only Minnesota has added any wetlands to the impaired waters list (303d list) and even then for just a small subset of wetlands associated with an impaired surface water.
- The subcommittee will meet again this spring to review the results from the DES Biomonitoring Program data and work done in 2011 for the National Wetland Condition Assessment.

4) Continued Discussion of Proposed Legislation to Update Class A Criteria

Phil Trowbridge re-introduced the topic of rulemaking to change the water quality criteria for Class A waters. DES received a number of comments on the proposed rulemaking. The biggest issue was concern from EPA that the proposal replaces a semi-quantitative criteria (“none unless naturally occurring”) with a reiteration of the general water quality criteria (Env-Wq 1703.01(b): “All surface waters shall be restored to meet the water quality criteria for their designated classification including existing and designated uses”).

Major points of discussion:

- The “none unless naturally occurring” criteria is specific to NH. The Clean Water Act does not require that water quality reflect the natural condition, just that designated uses be supported. Class A criteria can be weakened but DES would need to show how the new criteria support designated uses.
- Meeting designated uses is a utilitarian goal. Natural conditions may not be attainable but it is a better goal.
- DES should be moving away from Class A/B and toward a tiered designated use system.

- Class A waters are described in statute as being of the highest quality. The statute has more stringent criteria for bacteria in Class A waters, but not other parameters. The “none unless naturally occurring” language for other parameters was introduced in rule.
- The current criteria for Class A waters are unworkable for regulators and regulated community. The criteria should be modified so that scientific understanding can be used to assess Class A waters.
- The proposal relies on antidegradation reviews to provide additional protection for Class A waters but the antidegradation process is not well defined.
- Next steps: Investigate possible re-wording of the “none unless naturally occurring” language for Class A criteria and catalog use of this phrase in Env-Wq 1700. Develop examples of tiered criteria for a few parameters. Review tiered aquatic life use definitions used by Maine and Connecticut. Discuss this topic again at the July WQSAC meeting.

5) Presentation on water temperature in New Hampshire streams

Dave Neils presented the results of water temperature monitoring in NH streams. See slides.

6) Other Business

None

7) Adjourn

The meeting was adjourned at 3:35 pm.